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**Exploring the Double Shift of Paradigm: Drug Cartel Organizations and the Strategy in the Fight Against Drugs**

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**Abstract:** The term of terrorism has been widely discussed by several authors and security organizations previously. The overall common contribution is that a certain activity cannot be approached under the prism of terrorism unless it has a clear deliberate political motive. Certainly, the strong connection between drug crime organizations and terror groups has been argued by an extended number of national authorities from different countries. An initiative was presented before the US Congressional Foreign Affairs Committee to designate as

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“Terror Foreign Organizations” to a total of nine of the organized crime groups from Mexico (drug cartels), endorsing the US armed forces act against third countries where these criminal organizations have their operations. Such actions can fall under the term of “invasion” or “violation of a nation’s sovereignty rights”.

This paper analyses the concept of foreign terror organization, within the framework of drug cartels including the legal aspects related to such resolution. It also explores other alternatives, such as formulations of defence and security alliances in defence and security systems or coalitions organised to face common security challenges.

Finally, it examines the concept of narcoterrorism based on selected literature and presents a mapping of crimes performed by drug cartel organizations that may be classified as narcoterrorism actions. These varies from massive killing to the use of bombs during a national celebration to the launching of landmines in their two varieties: anti-personnel and anti-vehicle mines, among others, to fundamentally shift the paradigm from “Transnational Organized Crime” to “narcoterrorism,” becoming “hybrid organizations”.

**Keywords:** Terrorism; Fight Against Drugs; International Alliances and Partnerships; Transnational Organized Crime;

Narcotics; Narcoterrorism.

### **Introduction**

The concept of Foreign Terrorist Organizations (FTOs) refers to specific foreign organizations (from the US) that are designated by the Secretary of State, in accordance with section 219 of the US' Immigration and Nationality Act (INA).

In general, the Secretary is authorized to designate a group as a FTO if it is provided that: a) it is a foreign organization; b) it is engaged in terrorist activity (as defined in section 1182(a)(3)(B) concerning terrorism, section 2656f(d)(2) of title 22); or retains the capability and intent to engage in terrorist activity or terrorism) and; c) the terrorist activity or terrorism of the organization threatens the security of United States, nationals or the national security of the United States (US Department of State, 2023).

Besides, the US' Code, Title 22, Chapter 38, Section 2656f(d) (2) defines terrorism as: "Premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents."

Additionally, the term international terrorism is defined under the same section as "terrorism involving citizens or the territory of more than 1 country"; while the term terrorist group means "any group practicing, or which has significant subgroups which

practice, international terrorism” (United States, Department of State, 1994).

Based on this definition, terrorism can be explained as the use of violence against persons, property or critical infrastructure for the purposes of intimidation, coercion, or creating fear with political motives, as a way for the terrorist groups to get publicity for their causes. Therefore, FTO designations have a critical role in the fight against terrorism and are effective tools to restrain support for terrorist activities and respective organizations, since they involve a series of penalties, including economic and financial sanctions for the countries that support in one or another way such criminal FTO.

On 12 January 2023 Republican lawmakers presented at the 118TH Congress, 1st. Session, in the House of Representatives, the joint Resolution 18, titled “Resolution on the Authorization of the Use of Military Force to Combat, Attack, Resist, Target, Eliminate and Limit the Influence” (of drugs), which was referred to the Committee on Foreign Affairs. The objective of that initiative is to ask the US President to designate/declare as “Terrorists or Terror Foreign Organizations” to a total of nine of the organized crime groups from Mexico (drug cartels), endorsing the US armed forces act against third countries where these criminal organizations have their operations.

The declaration proposal suggests to “authorize the use of United States Armed Forces against those responsible for trafficking fentanyl or a fentanyl-related substance into the United States or carrying out other related activities that cause regional destabilization in the Western Hemisphere” (Crenshaw & Waltz, 2023). If approved, this resolution, would allow US armed forces to act against "those foreign nations, foreign organizations or foreign persons affiliated with foreign organizations” who have violated the law to traffic fentanyl or related substances into the United States, as it establishes. They would also be endorsed to act in the following cases:

- “Have trafficked fentanyl or a fentanyl-related substance outside the United States with the intention of such fentanyl or fentanyl-related substance being trafficked into the United States, in violation of section 401(a)(1) or 406 of the Controlled Substances Act;
- Have produced or trafficked a substance that is a precursor to fentanyl or a fentanyl-related substance with the intention of such precursor, fentanyl, or fentanyl-related substance being trafficked into the United States;
- Have engaged in kinetic actions against United States Federal, State, local, tribal, or territorial law enforcement personnel operating in the territory of the United States or abroad;

- Have engaged in kinetic actions against law enforcement, military, or other governmental personnel of a country with a common border with the United States or any other country in the Western Hemisphere;
- Have used violence and intimidation for the purpose of establishing and controlling territory to be used for illicit means” (Crenshaw & Waltz, 2023).

The above initiative targets specifically the following nine (9) drug cartels, which also have all the requested features to be classified as “Transnational Organized Crime Organizations”, in accordance with international law principles:

- 1.The Sinaloa Cartel.
- 2.The Jalisco New Generation Cartel.
- 3.The Gulf Cartel.
- 4.The Los Zetas Cartel.
- 5.The Northeast Cartel.
- 6.The Juarez Cartel.
- 7.The Tijuana Cartel.
- 8.The Beltran-Levy Cartel.
- 9.The La Familia Michoacana, also known as the Knight Templar Cartel.

As of May 2023, there were only three organizations from the American Continent included in the US list of Foreign Terrorist Organizations. These are the National Liberation Army (ELN),

the Revolutionary Armed Forces of Colombia (FARC) and the Revolutionary Armed Forces of Colombia–People’s Army (FARC-EP) (Office of the Director of National Intelligence, 2023).

At international level there are several conventions addressing terrorism. Contrariwise, they take the approach of establishing the type of offenses, in lieu of defining terrorism or terrorist acts as the US Code does. The lack of a clear definition in these legal instruments has been positively pointed out by certain researchers, while others criticize these provisions arguing that they are reactive rather than preventive. Even though there is not international consensus about a specific definition for this term, there are certain common features from the concepts provided by previous research.

As Tuerk (2012) simplifies,

“First, there must be actual or threatened violence; second a political motive is necessary; finally, the acts must be directed at and intended to influence a targeted audience”.

To better explain this, the author cites to note 393, p. 114-115 from *Power, Maritime Terrorism: A new Challenge*, by highlighting that the overall side of the common aspect is arguably that an act is not terrorism unless it has a deliberate political motive.

Kenneth (2009), also argues that there are many definitions of terrorism and says that it is simply

“the use of force or violence against people and places to intimidate and/or



coerce a government, its citizens, or any segment thereof for political or social goals”.

The author notes that terrorists try to coerce the adversary to obtain a goal without having to face the risk of a direct confrontation, fighting an asymmetrical war, which is a strategy used by the weaker side in the conflict to compensate for the strengths of the enemy.

The relevant international conventions regarding terrorism are the following:

- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999. Entered into force 10.4.2002.
- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997. Entered into force 23.5.2001.
- The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, also called the SUA Convention, and the Protocol for Fixed Platforms Located on the Continental Shelf, with its Protocol 2005.
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of

the United Nations on 14 December 1973.

- International Convention against the Taking of Hostage, adopted by the General Assembly of the United Nations on 17 December 1979.
- International Convention for the Suppression of Acts of Nuclear Terrorism New York, 13 April 2005.

Other relevant legal instruments regarding terrorism at a regional level are:

- The Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, from the Organisation of American States (OAS), concluded at Washington, D.C. on 2 February 1971.
- The Inter-American Convention Against Terrorism, adopted at the second plenary session of the of the OAS held in Bridgetown, Barbados, on June 3rd. 2002, Under Resolution AG/Res. 1840 (XXXII-O/02).

There is an extensive consensus from previous researchers (up to 2000) arguing that organized crime organizations were non-ideological regarding political agendas or motives of their own. In other words, they were not terrorists pursuing political changes to impose a specific radical, liberal, socialist, communist or conservative ideology and their link to politics was rather through corruption and bribery towards the

facilitation of their activities of illegal traffic of drugs and weapons (among other type of organized crime), across and between countries. It is widely agreed that the main purpose of organized crime ring organizations is economic ends.

As Finckenauer (2005) wrote:

“making a profit, through whatever means are considered necessary, is in fact the primary goal of organized criminal groups. This is, in part, why they are believed to be non ideological, and thus different from terrorist organizations. Profit can come from illegal enterprises such as drugs, gambling, or loan-sharking, but it can also come from legal businesses. For example, investing in restaurants or bars gains respectable social status and is also a good way to launder illegal money. Money laundering is a method of accounting for money obtained through illegal means. For example, money gotten through extortion can be shown in financial records for tax purposes as having been obtained through a bar business”.

This is an interpretation also reflected in international laws and regulations. However, this conceptual-juridical distinction and academic perspective has been reduced overtime to become quite fuzzy and uncertain nowadays; it might have overpass to the grey zone. It has been proven that transnational organized criminal groups collaborate with terrorist organizations to expand or diversify their criminal business, while terrorist groups also engage in organized crime activities to finance their terrorist actions.

As established by the US National Research Council (1999),

“terrorism may be importantly connected to other kinds of transnational crime, either because some criminal groups are enlisted in terrorist acts, or terrorists themselves act for pecuniary as well as political motives, or because some terrorist groups use criminal means to achieve their non monetary aims”.

Regarding “Transnational Organized Crime”, the “United

Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances” and the “United Nations Convention against Transnational Organized Crime and the Protocols Thereto” provide important provisions with significant solutions to fight this type of criminal groups without escalating the problem to an invasion.

The designation of FTO and endorsing the US armed forces to fight the drug cartels under this solution in Mexico territory could lead to an armed conflict classified as a crime of war. Thus, these international conventions as a legal alternative, in addition to strategic defence alliances, including the so-called short-term partnerships organised around common security challenges, like MNJTF, G5-Sahel, or Operation Takuba will be discussed.

This paper has developed an analysis of the state of the art of criminal groups (drug cartels) in Mexico, within the framework of terrorism and transnational organized crime, for which several dimensions are presented according to selected papers. Additionally, significant legal instruments were used to delimit the associated theoretical approach.

The literature review was combined with a documental analysis of news and opinion articles from Mexican newspapers written separately under the framework of the term “narcoterrorism”. This part of the study employed classical document scrutiny to

investigate Mexican people perspective to the acts of extreme violence from the above-mentioned drug cartels to gain and keep control over each other and to explore the production of statistics related to murders and “narco-terrorism attacks” performed by these transnational organized crime organizations in Mexico.

The objective of this research effort is to identify alternative solutions to the designation of these criminal groups as FTO with everything it implies, which involves the invasion of a free country with full-established governmental bodies and the violation of sovereignty rights, which might also worsen the migration phenomena, since such declaration might provide legal grounds for seeking asylum.

Thus, this paper also briefly explores defence alliances and short-term security partnerships under binational or international agreements as effective tools to tackle this problem. It is structured in the linear form of introduction, followed by sections discussing first, relevant laws and regulations related to terrorism and transnational organized crime.

Next, significant defence alliances and short-term security partnerships are discussed. Then, the methodology used for the literature review and selected relevant research is presented in detail. This is followed by the results and respective analysis.

Finally, a general discussion is taking place, along with the

associated conclusions and recommendations, including future research directions. The views herein are solely of the authors and do not represent the views of the Swedish Defence University (SEDU), the World Maritime University(WMU), United Nations (UN), the Swedish Government, or any other organization with a similar scope.

### **Laws and Regulations: The International Convention for the Suppression of the Financing of Terrorism (1999)**

The International Convention for the Suppression of the Financing of Terrorism was adopted by the General Assembly of the United Nations in Resolution 54/109 of 9 December 1999 and entered into force on 10<sup>th</sup> April 2002. Mexico signed the Convention September 7<sup>th</sup> 2000 and it was ratified on 20<sup>th</sup> January of 2003 (United Nations, 1999), upon the following reservation:

“(...)in accordance with article 7, paragraph 3, of the Convention, exercises jurisdiction over the offences defined in the Convention where:

(a) They are committed against Mexicans in the territory of another State party, provided that the accused is in Mexico and has not been tried in the country in which the offence was committed. Where it is a question of offences defined in the Convention but committed in the territory of a non-party state, the offence shall also be defined as such in the place where it was committed (art. 7, para. 2 (a));

(b) They are committed in Mexican embassies and on diplomatic or consular premises (art. 7, para. 2 (b));

(c) They are committed abroad but produce effects or are claimed to produce effects in the national territory (art. 7, para. 2 (c))” (United Nations, 2023).

The purpose of the Convention is

“to enhance international cooperation among States in devising and adopting effective measures for the prevention of the financing of terrorism, as well as for its suppression through the prosecution and punishment of its perpetrators” (United Nations, 1999).

According to the key provisions of the Convention, any person commits an offence (within the provisions of this Convention) if that person directly or indirectly, unlawfully and willfully, provides or collects funds with the intention or with the knowledge that they will be used, in full or in part, to carry out any of the offences described in the treaties listed in the annex to the Convention, or acts intended to cause death or injury to any person not actively involved in armed conflict in order to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act. It is also considered an offence if that person participates as an accomplice in an offence, organizes or directs others individuals to commit an offence or contributes to the commission of such an offence by a group of persons acting with a common purpose (United Nations, 2009).

Furthermore, it is not necessary that funds are actually used to carry out an offence for an action to be considered an offense, but the provision or collection of funds itself with the intention or knowledge to use them in a terror action constitutes an offence. However, the provisions of the Convention do not apply where the action does not involve any international

elements as established by the Convention. The Convention requires all the signatory states to take appropriate measures, in accordance with its national law, for the compliance of the provisions established in the Convention. By 14<sup>th</sup> May 2023, it had 132 signatory countries and 189 parties.

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) 1988 and Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, also called the SUA Convention, and the Protocol for Fixed Platforms Located on the Continental Shelf were adopted by consensus in an international conference held on 10<sup>th</sup> March 1988, in Rome, and entered into force on 1<sup>st</sup> March 1992.

“The main purpose of the Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it” (International Maritime Organization, 2023).

The SUA Convention (and its Protocols) apply to ships engaged on international voyages and to port facilities serving those vessels, while Contracting Governments are obliged to extradite or prosecute alleged lawbreakers, excluding cabotage, which are covered by the national law of that particular nation where the terror acts took place.



Freestone (1988) as cited by Tuerk (2012) clarified that according to international law of sovereign immunities warships or government vessels are not covered by the Convention.

After the seizure of the Italian flagged cruise ship Achille Lauro, when sailing from Alexandria to Port Said on 7<sup>th</sup> October 1985, where the passengers from diverse nationalities, including Italy, United States of America and Austria were hold as hostage by Palestinian hijackers, the IMO Assembly adopted Resolution A. 584 (14) on “Measures to prevent Unlawful Acts Which Threaten the Safety of Ships and their Security of their Passengers and Crew” (Tuerk, 2012). This resolution was adopted on 20<sup>th</sup> November 1985 and called for the review of security of vessels regarding

“the danger to passengers and crews resulting from the increasing number of incidents involving piracy, armed robbery and other unlawful acts against or on-board ships”.

However, later it became clear that the legal framework lacked rules to handle terrorism at sea, beyond piracy. Tuerk (2012) says that

“there was a need for rules relating to the arrest, prosecution and subsequent detention of those responsible for acts of maritime terrorism”.

Therefore, Austria, Italy and Egypt presented a draft for the SUA Convention, which was adopted in an international conference held on 10<sup>th</sup> March 1988, in Rome.

**The 2005 Protocols to the SUA Convention**

The SUA Convention 1988 and its protocol were later revised and the 2005 Protocol was added. This Protocol was adopted by the Diplomatic Conference on the Revision of the SUA Treaties held from 10<sup>th</sup> to 14<sup>th</sup> October 2005 and entered into force on 28<sup>th</sup> July 2010.

The key provisions of the Protocol 2005 to the SUA Convention are the articles 3bis, which significantly broadens the type of offenses covered by the Convention and Article 8bis, which addresses cooperation and procedures for ship boarding control on ships with flags from states that have ratified the convention if there are reasonable grounds to suspect that that ships or persons on board have been or are about to be involved in offense covered by the convention. Additionally, provisions covering state liability for any damage, harm or loss attributable to them, when there are no reasonable grounds in light of the available information at that moment for the ship boarding control are also addressed by the Convention.

By May 14th 2023, the SUA Convention had 53 Contracting Governments, while the SUA Protocol 2005 only 46, representing 39.5 of the world tonnage. In the case of Mexico, the SUA Convention 1988 and its Protocol have already been ratified. However, by May 2023, the Mexican authorities have still not ratified the Protocols 2005 (International Maritime

Organization (b), 2023).

In line with The International Convention for the Suppression of the Financing of Terrorism, the SUA Convention takes also the approach of establishing the type of offenses, instead of defining terrorism or terrorist acts.

### **The Inter-American Convention against Terrorism, 2002**

Another Convention conferred in direct response to the events of 11 September 2001 is the inter-American Convention Against Terrorism, which was adopted at the second plenary session of the Organization of Americas States (OAS) held in Bridgetown, Barbados, on June 3rd. 2002, under Resolution AG/Res. 1840 (XXXII-O/02).

According to the OAS, it is the first international measure to deal with terrorism negotiated after the events of 11 September 2001 and it seeks to enhance security in the American Continent by improving regional cooperation in the fight against terrorism. The Convention is consistent with the principles of UN Security Council Resolution 1373. However, as disapproved in the respective diplomatic note of the Government of Ecuador upon its ratification, it does not define terrorism either,

“Ecuador deplores that the member states have not been able to reach a consensus on the definition of terrorism and its classification as an international crime against humanity” (Organization of the American States, 2003).

The purpose of this Convention is to prevent, punish, and

eliminate terrorism as well as strengthening cooperation among the signatory states. According to Article 22 of the Convention, it was established that this international instrument should enter into force on the 30th day following the date of the sixth ratification of an OAS member state with the General Secretariat of such international organization.

In the case of Mexico, the President for that period Vicente Fox Quesada, already signed the Convention at the conference on 3<sup>rd</sup> June 2002 and after that it was sent to the Senate of the National Congress for its ratification, which was approved on 19<sup>th</sup> November 2002. Though, at its deposit to the OEA for ratification it was clarified that the Convention was ratified with interpretative declarations to Article 5, Paragraph 2 of the Convention, precisising that

“Without detriment to Mexico, its determination to combat all terrorist acts, methods, and practices (...). Mexico interprets Article 5, paragraph 2 of the Convention to mean that the measures to provide for the identification, freezing, seizure, or, where appropriate, confiscation of funds or other assets constituting the proceeds of, used to facilitate, or used or intended to finance the commission of the offenses referred to in Article 2, shall be taken, when it is a case of offenses committed outside the jurisdiction of the Mexican State, in accordance with domestic legislation and through the mutual legal assistance treaties referred to in Article 9 of the Convention” (Organization of the American States, 2003).

On a press release from 14<sup>th</sup> November 2002, the President of the United States from that period, George Bush, submitted the Inter-American Convention Against Terrorism to the Senate for its advice and consent to ratification and established that

“the Convention binds us even closer in our common battle against those who seek to destroy the values of democracy and values of tolerance that we cherish so greatly. The Convention will strengthen regional cooperation in the fight against terrorism in a variety of areas: exchanges of information; exchanges of experience and training; technical cooperation; and mutual legal assistance” (The White House President George W. Bush, 2002).

### **International Convention Against Transnational Organized Crime**

The United Nations Convention against Transnational Organized Crime was adopted by the General Assembly of the United Nations in Resolution 55/25 of 15<sup>th</sup> November 2000 and entered into force on 29<sup>th</sup> September 2003. Mexico signed the Convention on 13<sup>th</sup> December 2000 and it was ratified on March 24<sup>th</sup> of 2003. However, the Government of Mexico made some particular declaration at the ratification of this convention regarding the following articles:

“Article 5 (3) - The United Mexican States wishes to state that in criminalizing the offences defined in accordance with article 5, paragraph 1 (a) (i), the domestic law of the Mexican State covers all serious crimes involving the participation of an organized criminal group. The criminalization of an agreement with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit involves the participation of an organized criminal group in the offence of organized crime provided for in article 2 of the Federal Act to Combat Organized Crime, insofar as it is relevant to the crimes to which the said article refers. The offence of criminal association, provided for in article 164 of the Federal Criminal Code, is applicable insofar as it is relevant to the other serious crimes to which the Convention refers.

Article 16, paragraph 5 (a) - The Mexican State shall consider the Convention as the legal basis of cooperation in extradition matters in respect of those States parties with which it has not concluded treaties in the matter.

Article 18, paragraph 13 - The Office of the Attorney-General of the Republic is designated as the central authority in matters of mutual legal

assistance.

Article 18, paragraph 14 - Requests for judicial assistance shall be submitted in the Spanish language. Requests may also be submitted in the language of the requesting state, provided that they are accompanied by a translation into Spanish” (United Nations, 2004).

The United Nations Convention against Transnational Organized Crime, is considered the most important international instrument in the fight against transnational organized crime. It is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Farther, countries must become parties to the Convention itself before they can become parties to any of the Protocols.

In the case of Mexico, the first of the protocols was signed and ratified in the same dates as the Convention, while the last Protocol adopted by Resolution 55/255 of 31 May 2001, was ratified on 31<sup>st</sup> December 2002 and ratified on 3<sup>rd</sup> April of 2003. As 14<sup>th</sup> May 2023, the Convention corresponds to 147 signatory countries and 191 parties, (United Nations, 2023).

States ratifying this instrument are committed to take a series of measures against transnational organized crime, including the inclusion in national law of domestic criminal offences of the

type of participation in an organized criminal group, money laundering, corruption and obstruction of justice. In addition to the adoption of new frameworks for extradition and international law enforcement cooperation.

According to Article 1 of this Convention, its purpose is to

“promote cooperation to prevent and combat transnational organized crime more effectively”.

The convention addresses the particular criminalization of organized crime; measures to combat corruption and money laundering, confiscation and seizure of income and other properties used destined or obtained by organized crime, and extradition of the persons that commit such crimes in the cases where it is applicable.

It is important to clarify that even though the United Nations Convention against Transnational Organized Crime and the Protocols Thereto (2004) regulates Transnational Organized Crime (TOC), the Convention does not provide a clear definition about it, following the same strategy as with the term terrorism. Instead, this legal instrument explains the meaning of the terms used in this international regulation, employing the wording “organized criminal group” to refer to organized crime and provides a number of situations where organized crime can be declared as “transnational”.

This, together with the several dimensions and implications of the problem has led to a long-on-going dispute among

researchers and policy-makers across the world to agree with a common definition and after more than 15 years of its enforcement, there are no signs of consensus for a common universal definition.

Finckenauer (2005), calls for a clear definition of organized crime and points out that it also is critically important to understand the distinctions between key concepts such as organized crime and crimes that are organized as well as between organized crime and mafia and between criminal organizations and other types of criminal groups.

Article 2 of the above-mentioned Convention Subsection a, establishes the following:

“Organized criminal group shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit”.

Subsection b further clarifies that

“Serious crime shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.”

At the same time, subsection c declares that a

“Structured group shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure”.

Article 3 regulates the scope of application and explains among other aspects, that it shall apply

“when the offence is transnational and involves an organized criminal group”.



Whereas Section 2 of Article 3 clarifies that, an offence is transnational in nature in the following cases:

- “(a) It is committed in more than one state;
- (b) It is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state;
- (c) It is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state; or
- (d) It is committed in one state but has substantial effects in another state”.

As Avila-Zúñiga-Nordfeld, Dalaklis explained,

“based on these provisions, ‘transnational organized crime’ might be understood as an organized criminal group that commits a ‘serious crime’ in more than one country, or when parts of its planning and preparations are made in another State (Avila-Zúñiga-Nordfeld, Dalaklis, 2020). For example, when drugs are produced and packed in one nation, illegally transported across other States and smuggled for its final distribution into another one for private financial ends, in other words, to get profit from these illegal activities by using violence and force, if necessary. Another example could be when a group of persons get organized to steal crude oil from oil terminals or the charge-buoys in one country, frequently with the participation of corrupted authorities, and load it into foreign-flagged vessels (often with crews from other nationalities), to sell it in other regions of the world at a lower price than the market. The terms provided in the Convention also refer to criminal organizations with branches in several nations to keep the control of their activities or when the crime committed in one state, substantially affects another country, as illustrated above”.

Although illegal traffic and smuggling of narcotic drugs, psychotropic substances and chemical precursors were not considered for a specific protocol in this Convention against Transnational Organized Crime, it is generally accepted that this type of criminal offenses falls into transnational organized crime, as it is the case for all the nine (9) drug cartels targeted to be declared FTO.

As Woodiwiss, said by citing the United Nations (1993):

“These groups effectively constitute organised crime since it ‘consists of

tightly knit, highly organised networks of operatives that pursue common goals and objectives, within a hierarchical power structure that spans across countries and regions to cover the entire world” (Woodiwiss, 2003).

As suggested by Von Lampe (2012), the study of transnational organized crime is a dynamic research field that covers a broad range of crimes and criminal structures where it may be observed the lack of sufficient density and compatibility of research and, therefore, multi-national research projects represent the most desirable format because they can comprehensively capture transnational crime phenomena (Von Lampe, 2012).

However, illegal traffic and smuggling of narcotic drugs, psychotropic substances are regulated under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which will be discussed next.

### **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**

The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, was adopted at the UN Conference held in Vienna from 25 November to 20 December 1988, which was agreed pursuant to Resolution 1988/8 of 25 May 1988 of the Economic and Social Council.

The Conference adopted the Final Act and certain resolutions which were annexed to the Final Act, which was published through the document E/CONF.82/14 (United Nations (c),

2023). By 14<sup>th</sup> May 2023, this Convention reflects 87 signatory countries and 191 parties (United Nations 2023(c)).

Upon its ratification, Mexico handed in the following reservation:

“With regard to the interpretative declarations made by the United States of America: The Government of the United Mexican States considers that the third declaration submitted by the Government of the United States of America (...) constitutes a unilateral claim to justification, not envisaged in the Convention, for denying legal assistance to a State that requests it, which runs counter to the purposes of the Convention. Consequently, the Government of the United Mexican States considers that such a declaration constitutes a reservation to which it objects.

This objection should not be interpreted as impeding the entry into force of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 as between the Government of the United Mexican States and the Government of the United States of America” (United Nations 2023(c)).

### **Defence Alliances and Short-Term Security Partnerships: North Atlantic Treaty Organization (NATO)**

The North Atlantic Treaty Organization (NATO) is a political and military alliance that has as main purpose to guarantee the freedom and security of its thirty-one (31) member states through political and military means. Regarding the political dimension, NATO promotes democratic values, enabling members to cooperate on defence and security-related issues to prevent conflicts, while on the military dimension, is committed to the peaceful resolution of disputes.

However, if peaceful agreements are not settled under diplomacy efforts, it has the military power to defend its

members and respective territory, undertaking crisis-management operations, which are carried out under the collective defence clause of NATO's founding treaty - Article 5 of the Washington Treaty or under a United Nations mandate, alone or in cooperation with other countries and international organisations (North Atlantic Treaty Organization, 2023 (a)).

Article 5 of the 1949 North Atlantic Treaty Organization is the cornerstone of the NATO Alliance, representing its 'one for all, and all for one' essence. It establishes that:

“The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security” (The North Atlantic Treaty, 2023).

It must be clarified that inside NATO and in line with this collective spirit, all decisions are taken in consensus, which means that a NATO decision is the expression of the collective will of all 31 member countries, which are Albania, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, Netherlands, North-Macedonia, Norway, Poland, Portugal, Romania, Slovakia,

Slovenia, Spain, Turkey, United Kingdom, United States (North Atlantic Treaty Organization, 2023 (a)).

Concerning the geographical scope of the NATO Treaty in respect of Article 5, it must be highlighted that it only applies in the case that an armed attack occurs on the territory of a NATO member, while Article 6 delimits the area in which the armed attack has to take place (North America, Europe and other clearly defined areas north of the Tropic of Cancer). However, Article 6 does not establish any geographical limitations on where Article 5 counter-actions may take place, providing worldwide applicability, to certain extent.

As described by Clapp and Verhelst in their comparative analysis of Article 5 of the (NATO) Washington Treaty and Article 42(7) of the Treaty on European Union, where they explain that:

“if, for example, Article 5 is triggered by an armed attack on a NATO member's soil, academics maintain that there is no inherent legal impediment to NATO carrying out collective self-defence measures in a third country, even as far away as Singapore (Clapp, Verhelst, 2022). Article 42(7) does not entail any such strict geographical limitation. By referring to 'its [Member State's] territory', it would seem to refer not only to continental Europe but could have worldwide applicability. Questions also remain about the applicability of Article 42(7) to the hybrid, cyber and space domains, while NATO leaders established at the 2022 Madrid Summit that Article 5 is applicable in those domains. The November 2022 EU cyber-defence policy does note that, in cases of significant cybersecurity incidents, Member States 'need to be able to draw on mutual assistance (...) in the context of Article 42(7)'”.

### **NATO Partnerships**

In addition to its 31 full member countries, NATO also has partnership agreements with many non-member states regarding political and security-related issues and many of these nations contribute to NATO security operations and several missions and are part of many of NATO's core activities, like shaping policy, building defence capacity, developing interoperability and managing crises. Nevertheless, they do not have the same decision-making authority as full member countries.

“The Allies seek to contribute to the efforts of the international community in projecting stability and strengthening security outside NATO territory. One of the means to do so is through cooperation and partnerships. The Alliance has developed a network of partnerships with non-member countries from the Euro-Atlantic area, the Mediterranean and the Gulf region, and other partners across the globe. NATO pursues dialogue and practical cooperation with these countries on a wide range of political and security-related issues. NATO's partnerships are beneficial to all involved and contribute to improved security for the broader international community” (North Atlantic Treaty Organization, 2023 (b)).

NATO also helps partner countries to further develop their own defence and security institutions, armed forces and military capabilities, while they also benefit from intelligence-sharing; get access to a rich menu of education and training programs; work together with Allies on research and capability development; participate in military exercises and contribute to current NATO-led operations and missions. Some of the key strategic objectives of NATO's partnerships are the following:

- “Enhance Euro-Atlantic and international security, peace and stability;

- Promote regional security and cooperation;
- Facilitate mutually beneficial cooperation on issues of common interest, including international efforts to meet emerging security challenges;
- Enhance support for NATO-led operations and missions;
- Enhance awareness of security developments including through early warning, with a view to preventing crises” (North Atlantic Treaty Organization, 2023 (b)).

In relation to these partnerships, it is necessary to note that each country (partner) determines together with NATO allies the scope and limitations of their partnership, as well as individual objectives, which are reflected in the agreement that establishes the goals for the relationship, revision and renewal periods.

Colombia became the first NATO partner in South America, in May 2017. Under this alliance’s partnership, they agreed to strengthen cooperation to address security challenges in areas of shared concern.

“Discussions included the development of a common approach to global security challenges such as cyber security, maritime security, and terrorism and its links to organised crime; to support peace and security efforts, including human security; and to build the capacities and capabilities of the Colombian armed forces” (North Atlantic Treaty Organization, 2023 (b)).

Other NATO partners in addition to Colombia from those beyond the Euro-Atlantic area, known as “partners across the globe”, include Afghanistan, Australia, Iraq, Japan, the Republic of Korea, Mongolia, New Zealand and Pakistan (North Atlantic Treaty Organization, 2023 (b)).

### **The Multinational Joint Task Force (MNJTF)**

The Multinational Joint Task Force (MNJTF) is based on an international agreement to join military forces under the mandate of the African Union Peace and Security Council (PSC), with the support of external partners for security and military cooperation.

In 2014 Cameroon, Chad, Niger, Nigeria and started negotiations for the deployment of armed forces and coordination of military operations to establish the MNJTF, which was authorized by the PSC on January 2015; under the adoption of the concepts of operations (CONOPS). This provided detailed definitions and guidelines for strategy, operations and logistics, as well as command and control (CC), with the respective structures, troop zones and sectors for operations, which included Mora in Cameroon; Baga Sola in Chad; Diffa in Niger; and Baga in Nigeria, which assumed the command of the forces (Camillo Casola, 2020).

In accordance with its directive, the aim of the joint forces is to “create a safe and secure environment in the areas affected by the activities of Boko Haram and other terrorist groups, in order to significantly reduce violence against civilians and other abuses [...]; facilitate the implementation of overall stabilization programmes [...] including the full restoration of state authority and the return of IDPs (internally displaced persons) and refugees; facilitate, within the limit of its capabilities, humanitarian operations and the delivery of assistance to the affected populations” (Camillo Casola, 2020).



### **The G5 Sahel Joint Force**

The Multinational Joint Task Force (MNJTF) model for security and military cooperation was replicated to a large extent in 2017 by the international organisation “G5 Sahel”, which encompasses Chad, Niger, Mali, Burkina Faso, and Mauritania, to establish the “G5 Sahel Joint Force”, to fight the Al-Qaida and other Islamic state-linked armed groups’ activities in the Western Sahel.

Its joint forces have been operating in the Lipatako Gourma area bordering Burkina Faso, Niger and Mali since October 2017. Its achievements in the security arena include the introduction of a military college in Mauritania and the formal announcement of the creation of its Joint Force, the G-5 Sahel Joint Force. However, it has a quite limited budget and is too early to assess its contributions in stabilizing the Sahel. However (Ismail & Kifle, 2018).

Similarly to the MNJTF, the mandate of the G-5 force focuses on combating terrorism and transnational criminal networks; contributing to restoration of state authority and return of refugee and internally displaced persons; facilitating humanitarian operation; and contributing to developmental activities in the Sahel (PSC, 2017).

### **Multinational Joint Task Force Takuba**

The Multinational Joint Task Force Takuba, also known as the international anti-terrorist “Operation Takuba” is a joint response to tackle armed transnational conflict and organised crime, including human trafficking and smuggling of illicit goods, minerals and weapons along transnational routes in West Africa with particular focus on Mali, Niger, Nigeria, Burkina Faso and Libya. An area where many terrorist groups are engaged in criminal activities as

“drugs trafficking, trade in illicit weapons both for their own use and as a source of revenue to fund their operations”, as written by Idris (2022).

It was the French Government, who initiated the response against the jihadist groups (including Al-Qaeda in the Islamic Maghreb) to the takeover of northern Mali and to prevent them from taking control over the capital, Bamako, with Operation Serval, in January 2013, even though international efforts to establish the African-led International Support Mission (AFISMA) were already in negotiations.

Later the Operation Serval was declared accomplished and transformed it into Operation Barkhane, which was focused on counterterrorism and involved a permanent French military presence in the region Charbonneau, (2019) as cited by Idris (2022). However, in April 2013, the United Nations (UN) approved its peacekeeping mission in Mali, the called

Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to absorb AFISMA and later the UN Security Council resolutions approved French troops to use all necessary means to support the MINUSMA mission, focused on stabilisation of the region. Yet, in 2020 the new Multinational Joint Task Force Operation/Mission Takuba was established under the pressure from the French government to other European countries to contribute to the anti-jihadist mission in Mali and in June 2022, under Resolution 2640 (2022) the UN Security Council agreed the renewal of its Multidimensional Integrated Stabilization Mission in Mali for another year, while it requested an assessment of its cooperation with the host country's authorities, challenges and alternatives for its reconfiguration.

The resolution was approved after Mali's announcement regarding its withdrawal from all institutions of the Group of Five for the Sahel (G5 Sahel) — including the G5 Sahel joint force formed to counter terrorism in the region — as well as the decisions by France and other European countries to withdraw their counter-terrorism forces from the country, (United Nations, June 29, 2022).

In November 2021, Sweden took command of the Joint Task Force Takuba from France and led the mission until March 2022. The name of the force "Takuba" comes from the sword

used across the western Sahel and the mission was established at the request of the Nigerien and Malian governments, while governments of Belgium, Czech Republic, Germany, Sweden, Norway, Estonia, Denmark, France, Mali, Niger, the Netherlands, Portugal and the UK supported the creation of this force.

The Swedish Armed Forces informed on 25 April 2022, that the Swedish troop contribution to the French-led Special Forces mission Task Force Takuba in Mali was suspended according to plan. They highlighted that Task Force Takuba (manned by personnel from ten (10) European countries), was commissioned to accompany the Malian army in their fight against Islamist terrorists in the Liptako region, where the Swedish QRF (Quick Reaction Forces) units were engaged in almost every operation to disrupt the opponent activities, achieving to temporarily expel one of the most violent groups from their area of operation (Swedish Armed Forces, 2022). They remarked that the reason for suspension of the joint operations was “the Malian junta's unwillingness to hold democratic elections and their cooperation with the Russian Wagner Group that had sent mercenaries to Mali” (Swedish Armed Forces, 2022).

### **Operation Unified Protector from NATO in Libya**

North Atlantic Treaty Organization (NATO)'s military operation in Libya, which began on 19<sup>th</sup> March 2011, had the purpose to implement United Nations Security Council Resolution 1973 (UNSCR 1973), enforce an arms embargo and tightened sanctions on the Muammar Gaddafi regime and its supporters to protect civilians, in response to the 2011 Libyan civil war, with the following objectives:

- Protection of civilians
- Establish a no-fly zone
- Enforcement of the arms embargo
- Ban on flights
- Asset freeze (of all funds, other financial assets and economic resources on their territories, owned or controlled, directly or indirectly, by the Libyan authorities) (United Nations Security Council, 2011).

However, while the majority of NATO member states supported the so-called “Operation Unified Protector” only six (6) of them, in addition to the United States participated directly in combat operations, which are Canada, United Kingdom, France, Denmark, Norway and Italy, while Germany refused to join the military operation and did not support the UN Security Council Resolution 1973.

The UNSCR 1973 was not supported by the majority of the UN

Security Council member states either, since it had only ten votes in favour and five abstentions. After the killing of Muammar Gaddafi, NATO informed the end of operations over Libya and on 31<sup>th</sup> October 2011, the UN Security Council unanimously voted to end NATO's mandate for military action regarding Resolution 1973.

The former secretary of defence of the United States, Robert Gates, criticized in his speech on 11<sup>th</sup> June 2011, that while every alliance member voted for Libya mission, less than half have participated at all, and fewer than a third were willing to participate in the strike mission.

Several researchers have criticized such operation and the support provided to Libyan authorities after the fall of Gaddafi, like Overhaus (2011), who said:

“NATO’s Operation Unified Protector in Libya has fostered the illusions of politicians and military planners that it is possible for outside powers to support regime change without the need to embark on counterinsurgency or externally driven state-building, which have consumed foreign troops and civilian aid agencies for many years. Yet, it would be premature, and even dangerous, to consider Libya as a model for future military interventions. Developments in this country are unique in some important ways and they do not refute the central lesson that the international community has had to learn previously: Outside powers that engage in regime change in the first place need to be prepared to deal with a potentially very messy post-war phase. The operation in Libya has demonstrated how limited NATO member state’s willingness and ability to actually prepare (and pay) for such contingency has become”.

### **Methodological Approach**

The methodological approach adopted in this paper is

principally based on qualitative methods. The research objectives call for a literature review and desk research. Webster and Watson as cited by Avila-Zuñiga-Nordfeld and Dalaklis, explained that a high-quality review must cover all relevant literature on the topic and should not be confined to a limited set of journals (Webster, Watson, 2002; Avila-Zuñiga-Nordfeld, Dalaklis, 2018). Therefore, a thorough search by topic in different databases across all relevant journals and across all disciplines must be performed. The contextual boundary is within the scope of narcoterrorism, under the framework of “Mexico”, “drug cartels” and “organized crime”.

The time boundary was set to 2000-2023 with English language as necessary. The database used was PRIMO, employed at the Anna Lindh library from SEDU, which is connected to all the electronic journals and databases. The search resulted in 53 items, including journals, master and doctoral dissertations and 1 magazine articles and 15 were selected from these, which are unveiled in the next section presenting the results. Then, these were examined using thematic analysis and constant comparison of data, according to the main categories for the concept of terrorism, which are the following: a) an actual threat of violence; b) the terror actions must be directed or planned to influence a targeted audience and; c) a political motive. However, a subcategory was integrated under the category c,

implementation of a political ideology.

In addition, open-source resources were also employed to map crimes classified as “narco-terror actions” related to “narcoterrorism from such drug cartels organizations”. These were verified to a certain extent through cross-documental analysis with other media sources where authorities were interviewed about the specific cases. While this study focuses on Mexico, the literature analysis includes a broader approach. Therefore, the findings of this research effort and consequent recommendations could be applicable to other regions of the world.

## **Results**

Table 1 presents the author’s analysis of selected writers related to “narcoterrorism” or terror actions performed by drug cartels. For the sake of this analysis regarding the concept of narcoterrorism, the basic common categories related to the different definitions of terrorism were used. These are the following: a) an actual threat of violence; b) the terror actions must be directed or planned to influence a targeted audience and; c) a political motive. However, a subcategory was employed under the category c, implementation of a political ideology.



**Table 1:** Author-centric review

AUTHOR	a) threat / use of force or violence.		b) terror actions directed to influence a targeted audience or public.		c) A political or religious motive.	
(Ballina, 2011)	YES	NO	YES	NO	YES ✓	
	✓		✓		1) Implementation of a political ideology?	
					YES	NO ✓
(Bunker, Campbell, & Bunker, 2010)	YES	NO	YES	NO	YES ✓	
	✓		✓		1) Implementation of a political ideology?	
					YES	NO ✓
(Campbell & Hansen, 2014)	YES	NO	YES	NO	YES ✓	
	✓		✓		1) Implementation of a political ideology?	
					YES	NO

						✓
(Dulin & Patiño, 2014)	YES	NO	YES	NO	YES	✓
	✓		✓		1) Implementation of a political ideology?	
					YES	NO ✓
(Feldmann & Lopez, 2022)	YES	NO	YES	NO	YES	✓
	✓		✓		1) Implementation of a political ideology?	
					YES	NO ✓
(Flanigan, 2012)	YES	NO	YES	NO	YES	✓
	✓		✓		1) Implementation of a political ideology?	
					YES	NO ✓
(Hanan, 2016)	YES	NO	YES	NO	YES	✓
	✓		✓		1) Implementation of a political ideology?	
					YES	NO

						✓
(Johnson, 2019)	YES	NO	YES	NO	YES ✓	
	✓		✓		1) Implementation of a political ideology?	
					YES	NO ✓
(Knowles, 2008)	YES	NO	YES	NO	YES ✓	
	✓		✓		1) Implementation of a political ideology?	
					YES	NO ✓
(Longmire & Longmire, 2008)	YES	NO	YES	NO	YES ✓	
	✓		✓		1) Implementation of a political ideology?	
					YES	NO ✓
(Mabrey, Hepner, &	YES	NO	YES	NO	YES ✓	
					1) Implementation of a	

Ward, 2006)	✓		✓		political ideology?	
					YES	NO ✓
(Pacheco, 2009)	YES ✓	NO	YES ✓	NO	YES ✓	
					1) Implementation of a political ideology?	
					YES	NO ✓
(Phillips, 2018)	YES ✓	NO	YES ✓	NO	YES ✓	
					1) Implementation of a political ideology?	
					YES	NO ✓
(Teiner, 2020)	YES ✓	NO	YES ✓	NO	YES ✓	
					1) Implementation of a political ideology?	
					YES	NO ✓
(Turbiville, 2010)	YES	NO	YES	NO	YES ✓	
					1) Implementation of a	

	✓		✓		political ideology?
					YES
					NO
					✓

In order to make the conversion from the author-centric approach towards the conceptual category-centric approach and synthesize the selected literature, table II that follows provides a summary of a category matrix in relation to the analysed articles.

**Table 2:** Concept Matrix

Concept Matrix		
Concept	Articles included in the analysis	Total
a) an actual threat of violence	15	15
b) the terror actions must be directed or planned to influence a targeted audience	15	15
c) a political	15	15

motive		
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Concerning the analysis of mapping the crimes classified as narcoterrorism actions related to drug cartel organizations, the results are presented in table 3 below. Though this table only presents 13 cases, this does not mean that these are all of them. Other media sources reported several more, including a Molotov bomb attack against the US consulate in Guadalajara Mexico, without serious damages. But only those with a notorious level of gravity and that comply with the mentioned categories associated to the concept of terrorism are chosen.

**Table 3:** Narco-Terror Actions from Drug Cartel Organizations in Mexico

MAPPING NARCO-TERROR ATTACKS IN MEXICO				
Type of terror attack	Dead & Injured Persons	Date and Place	Presumed Motive of Attack	Source
Terror attack against the society	8 civilians dead and 132 persons injured.	15/09/2008 Morelia Michoacan	A terror attack aimed to cause terror in the society and the	(NBC News, 2008: (La

with explosive grenades during the national celebration of the Independence Day.			change of government security policies and stop of operations against the Drug Cartel La Familia.	Opinion , 2023)
Shooting attack against a teenager's party.	13 teenagers dead and 2 adults	31/January/2020, Juarez City, Chihuahua	A terror attack from the organized crime groups aimed to cause terror in the society	(Los Tiempos, 2010)
Shooting attack against the drug rehabilitation center Vida y Fe.	19 persons dead between 18 and 25 years old and 2 injured.	10/June/2010, Chihuahua, Chihuahua.	A terror attack from the organized crime aimed to cause terror in the society. This is one more of several attacks to rehabilitation	(BBC News, 2010)

			center performed previously where several persons were dead.	
Murder of the candidate to gubernator for the Province of Tamaulipas Rodolfo Torre Cantú from the Revolutionary Institutional Party (PRI),	5 persons dead	28/June/2010	A terror attack from the organized crime aimed to change the course of the Province's Elections and cause terror in the society	(Nájar, 2010)



together with four persons more.				
Shooting attack against a party of young people.	17 persons dead and 18 injured.	19/July/2010, Turreon Coahuila	A terror attack from the organized crime aimed to cause terror in the society.	(Informador, 2010)
Terror attack by setting fire with gasoline to the Royale Casino with all customers and employees inside	53 civilians dead and several injured.	26/08/2011, Monterrey Nuevo Leon.	Cause terror among business owners and the society to pay extortion fees to the organized crime groups to keep their business running.	(Ultima Hora, 2011)
RPG (Rocket-	Six military officers dead,	05/May/2015, Villa	Repel the operation cause	(Expansión,

propelled grenade) attack against the helicopter Cougar with register number 1009 from the Ministry of National Defence during the unsuccessf ul operation to arrest to Nemesio Oseguera Cervantes, El	as well as one from the federal Police and 8 members from the “Cartel Jalisco Nueva Generación” and 13 injured persons.	Purificación, Jalisco.	terror in the society.	2015)
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Mencho.				
Bomb attack against a ferry sailing from Playa del Carmen to Cozumel from the Company Barcos Caribe.	21 persons injured.	21/02/2018 Playa del Carmen, Quintana Roo	A terror attack from the organized crime against a ferry aimed to influence the mayor of the city Perla Tun Pech in her security policies, according to a narco announce signed by “El Pumba” and “El Tata”.	(Diario de Yucatán, 2018)
Massive 19 persons assassinated and hunged on a bridge in Michoacán	19 persons murdered.	08/August/2019		(INFO BAE, 2019: (Mark Stevens on, 2019)

n.				
Bomb attack and shooting against the hotel Gala in Celaya Guanajuato.	11 persons dead.	23/05/2022	An attack from the criminal organized group “Cártel de Santa Rosa de Lima” against owners and employees from the hotel for supporting the “Cartel Jalisco Nueva Generación” to cause terror against the society to not “support” other cartels.	(Guardiola, 2022)
Bomb attack against a police comboy in the	4 police officers and 2 civilians dead, and 14 persons injured, from which 2 were	12/07/2023, Tlajomulco de Zúñiga, Jalisco.	A brutal act of terror from an organized crime group with the objective of reducing the fire	(AFP France 24, 2023)

downtown of Tlajomulco, Jalisco.	from the authorities and 12 were civilians, including three minors among the victims.		capabilities of other drug cartels and the authorities, while provoking terror in the society to let them work freely.	
Series of drone attacks (605 from 2020 to September 5th, 2023) with explosives against several communities in different events.	Material and economic damages.	Different dates and events.	Terror attacks from the organized crime aimed to cause terror in the society, attack the authorities or other drug cartels.	(Zamarrón, 2023)

Launching of landmines in their two varieties: anti-personnel and anti-vehicle mines in the Province of Michoacán	The numbers are uncertain. One person dead and eight (8) injured officially registered in three different cases.	February 12th 2022, January 31st. and June 21st, 2023, Aguililla, Tepalcatepec and Apatzingán, Michoacán, respectively.	Terror actions from the organized crime aimed to cause terror in the society and attack the authorities and civilians approaching the terrains cultivated with the flower ‘Papaver somniferum’, also known as opium or opium poppy, and cannabis.	(Grupo Reforma, 2023: Reina, 2022: Mayen, 2023)
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### General Discussion

Avila-Zúñiga-Nordfeld, Dalaklis have already explained that based on the provisions from the “United Nations Convention Against Transnational Organized Crime”, the drug cartels fall

within the concept of transnational organized crime (Avila-Zúñiga-Nordfeld, Dalaklis, 2020).

“Illicit transport and smuggling of narcotic drugs, psychotropic substances and chemical precursors, are considered “transnational organized crime”, both as a “crime organization” and as the “organized crime activity” committed by the organized criminal groups, because they require a high degree of organization among several individuals across the world for private ends”.

However, due to the extreme violent tools that these crime organizations are currently using to secure the continuity and expansion of their “organized crime activity”, such as bombs explosions during national celebrations and the use of anti-personnel and anti-vehicle landmines along different towns’ roadways, they are steady referred to as “narcoterrorist organizations”. Whereas their terror actions are denoted as “narcoterrorism”, reducing the grey zone between these groups.

In this context, the narcoterrorism must be understood as the organized use of extreme violence (category a) executed by an organized group against the society, authorities and government (category b) to create terror and intimidate anyone interfering with their drug related criminal activities and influence the security operations, anti-drug programmes, relevant policies and even elections, by killing political candidates or forcing some others to withdraw from the electoral contest or force the population to vote for a specific candidate or political party under violence threats (category c).

This change in their actions, clearly shows a shift of paradigm in

their operations going from the traditional “narcocorruption” to “narcoterrorism”, as illustrated in table 3 above. Differing from the “narcoterrorism”, the “narcocorruption” is focused on the establishment of powerful secret alliances with representatives from the government, parliament and relevant security institutions to support the organized criminal organization, protect their members, their criminal activities related to the production, sale, transport and smuggling of drugs and let them operate without any intervention in exchange for bribes and exorbitant sums of money.

This shift of paradigm related to the way or tactics currently used by the Mexican drug cartels, is reflected in the interpretation and analysis of several researchers from the organized crime research field and they respective published papers, which also shows a shift of paradigm in their identification, historically represented under the figure of “transnational organized crime” to “narco-terrorist organizations” and “narcoterrorism”.

This change of paradigm was then reflected in the security and military operations to fight Drugs and the respective strategy, with the suggested initiative called Resolution 18. This change of paradigm is redefining “Terrorism” as traditionally observed to expand the concept to include “narcoterrorism”. Longmire and Longmire, reasoned in their study why Mexican drug



trafficking is more than just organized crime and how it has evolved to terrorism (Longmire, Longmire, 2008).

The authors determined that:

“the tactics, strategy, organization, and even (to a limited extent) the goals of the Mexican drug cartels are all perfectly consistent with those of recognized terrorist organizations. Admittedly, the cartels lack the motivating political or religious ideology most terrorist groups display, and some argue this precludes the application of the “terrorist” label”.

They added that this objection is inclusive at its best stating that they are hybrid organizations employing terrorist tactics and therefore a more effective range of options for combating the cartels and curtailing the violence that today engulfs Mexico and the US/Mexico borderlands is needed to fight that asymmetric war,

“while Mexican DTOs cannot easily be placed in any traditional category, all exhibit characteristics of terrorist, insurgent, as well as criminal organizations. Perhaps it is time to rethink the way we define Mexican DTOs, and to do so with an eye toward giving governments and law enforcement better tools to combat the scourge”.

It must be noticed that the distinction factor between the two groups is related to the motive for the crime activity, not related to the tactics or tools used to achieve their objectives. While organized crime ring organizations were connected to private ends, the terrorist organizations were associated to political motives for the implementation of a political or religious ideology. However historically, drug cartels employed more the corruption strategy rather than the terrorism and extreme violence, as terrorist organizations do. Nonetheless, during the last two decades this clear distinction has been significantly

reduced with the strong cooperation between them regarding both production of opium and infrastructure including corruption alliances for transport and smuggling of drugs along the international routes, as well as money laundry, which has compressed the steady grey zone.

As Feldmann, Lopez wrote,

“the security conditions in Mexico linked to the confrontation between security forces, organized crime groups (OCGs) and self-defense groups have deteriorated due to the rise of terrorist attacks (Feldmann, Lopez, 2022). While Mexico has a history of violence, terrorism has not been a common practice”.

In their analysis these authors did not hesitate to categorize these new implemented practices in Mexico as terrorism, while reviewing the way in which different armed parties utilize this tactic. They argue that terrorism arises in the context of a criminal war in which state security forces, self-defense groups and different OCGs have developed specific repertoires of terrorism that fit their organizational goals and business character.

Other authors coincided appointing that most cases of torture or beheading (linked to the Mexican cartels):

“are regarded as primarily secular in nature – a terrorist tactic tied to economic or political gain” (Bunker, Campbell, Bunker, 2010).

It is observed in this analysis that the different studies link the political motive of terror attacks from drug cartel organizations to corruption and the tactics used to influence elections to favour candidates or political parties that support their activities at

different levels, as well as to achieve geographic, economic, and political control to change security policies and respective operations. Regardless of how the motivations for these activities are characterized, these actions fall under the statute of the US Congress for the designation of FTO and the fact that such terror actions allow cartels to achieve monetary gains should not disqualify a cartel from designation, since the exception is phrased in terms of “personal gains” implying gains for an individual, and not for an organization, writes Hanen (Hanen, 2016). This author clarifies that in order to be qualified for designation of a Foreign Terrorist Organization, the FTO must meet three statutory criteria which are the following: 1) the organization must be foreign; 2) the organization must engage in terrorist activity or retain the ability to engage in terrorist activity or terrorism; and 3) the terrorist activity or terrorism of the organization must threaten the safety of U.S. nationals or the United States and concludes that the Mexican drug cartels certainly meet all three statutory criteria (Hanen, 2016).

Certainly, the Mexican Drug Cartels (MDC) meet all the criteria to be declared a Foreign Terrorist Organization according to the US Statutes for designation of FTO. They are terrorizing entire cities, which have led to several “ghost towns” due to people fleeing those areas leaving everything behind, sometimes even their own clothes. It started with a terror attack attributed to the

drug cartel “La Familia” against the society with explosive grenades during the national celebration of the Independence Day on 15 of September 2008, where eight civilians were dead and 132 persons injured (NBC News, 2008). This has been recognized as the first terror action made by drug cartels organizations in Mexico.

It was just the beginning, their tactics worsened and the atrocities that followed are strongly resembling to terrorist actions, as viewed both by many researchers and the society. Two years later, on 10<sup>th</sup> June 2010, a shooting attack against the drug rehabilitation center Vida y Fe was registered where nineteen (19) young persons between 18 and 25 years old were killed and two injured (BBC News, 2010).

It was not the first drug rehabilitation center attacked. The years before several teenagers that denied to participate in the distribution and micro sale of cocaine hiding at other rehabilitation centers were assassinated. Besides, the chain transport of goods is severely affected in some towns, which have seen significantly reduced the delivery of goods because the workers do not want to transit by some roads that might have landmines.

The MDC have launched landmines in their two varieties: anti-personnel and anti-vehicle mines in the Province of Michoacán and several persons have died and others injured, including

civilians, soldiers and police transiting those roadways, (Grupo Reforma, 2023).

Clearly, these tactics fall within the umbrella of terrorism. These are actions executed by organized terrorist organizations and the extreme terror they are provoking in the society must weigh more than the premise that they are connected to economic gains and not to the establishment of a political ideology.

However, there is a clear political motive such as influencing the elections to favour particular candidates financed by their groups or the change of security policies and programmes and even diplomatic treaties like extradition agreements. Thus, the grey zone has been substantially reduced and they have become “hybrid organizations”.

Ballina critiques the old generally accepted notion of organised crime literature, built upon the understanding of crime as an essentially non-ideological and non-political phenomenon, while organisations that incorporate an ideological component, most notably terrorist groups, are classified as the antithesis of organised crime and theoretically precluded from actions motivated by profit and economic gain (Ballina, 2011).

This author argues that the 'profit versus ideology' dichotomy, is reinforced by a prevalent view of criminals as ultra-rational, profit-maximising entities operating in a market, excised from their social and cultural background and challenges such rigid

taxonomy, questioning the validity of the profit-ideology division to advance a more flexible understanding of the criminal phenomenon.

In his study, Ballina, presented a “Hybridity Three-Dimensional Model”, that allows us to set free from the orthodoxy imposed by the traditional profit-versus-ideology dichotomy towards and advanced and inclusive perspective, where they become mutually influential, instead of competing dimensions. His contribution is narrowing down the distance between the previously disconnected worlds of material profits (organized crime) and ideas (terror organizations), suggesting that there is no impediment to extrapolate the principles of the three-dimensional model to any kind of clandestine violent organisation that possesses hybrid elements (Ballina, 2011).

Under the understanding that there is a shift of paradigm related to the criminal phenomenon of Mexican Drug Cartels and that, they must be classified as Hybrid Organizations, the shift of paradigm in the strategy and operations to fight such groups as the declaration of FTO could seem reasonable. Yet, the endorsements to the US armed forces that follows such strategy are clearly against the principles of international law, as the invasion of a well established sovereign country.

There is no doubt that the sum of stronger efforts and infrastructure is needed, but an offensive attack of this type

could lead to an internal war that could worsen the security situation for both nations and in the worst cases lead to total war. Thus, following the model of cooperation of certain diplomatic and security alliances previously discussed seems a more rational choice, or even scaling up to the level of a “NATO partnership”.

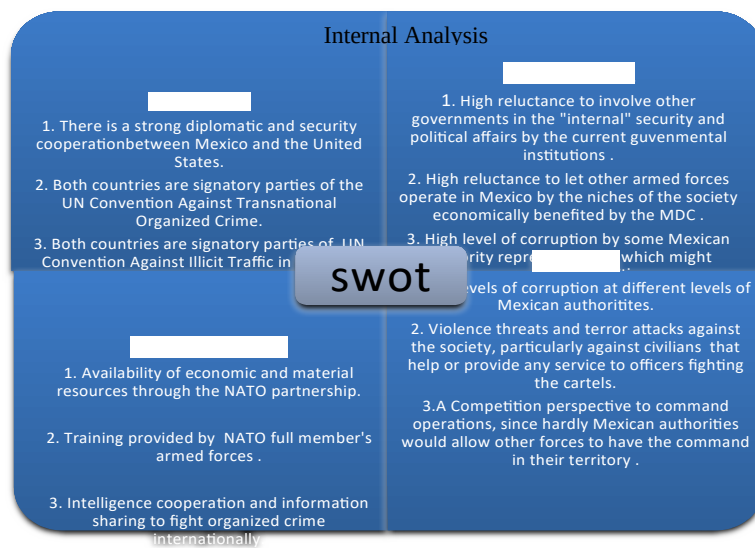
Clearly, Mexico is not eligible for a full NATO membership, due to the high corruption levels. Neither is it within the diplomatic foreign policy of the Mexican government, which follows the “Estrada Doctrine”, based upon neutrality principles. Yet, in line with the nuclear type of weapons that the two main great powers currently have, the neutrality policy is irrelevant, since in the case of total war between Russia and United States, the effects of nuclear radiation would reach far beyond Mexico and this country would be forced to react or join forces at least regarding disaster and crisis management. This is one of the reasons why also Sweden left the neutrality policy to apply for a full NATO membership.

A “NATO Partnership” would allow Mexico to avoid the diplomatic confrontation or an armed conflict and develop joint and combined operations to fight such terror organizations. It would benefit Mexico, since they would be able to set up the objectives and limitations of the partnership and command such operations. While it would not only benefit the US, but all

NATO member nations, since the Mexican Drug Cartels have significantly expanded their markets and trade routes to Europe and Scandinavia (United Nations Office on Drugs and Crime, UNODC, 2023).

Avila-Zúñiga-Nordfjeld and Dalaklis, stressed that organized crime require social and political programs and specially designed strategies to combat these groups (Avila-Zúñiga-Nordfjeld, Dalaklis, 2020). These authors highlighted that the strategies designed to fight this type of crime organizations must consider the constant re-restructuration and continuity of such cartels, which have acquired large power in several countries of Central –America and around the world. Thus, a SWOT (Strengths, Weaknesses, Opportunities and Threats) Matrix analysis concerning Mexican-NATO “partnership” is presented.





## Conclusions and Recommendations

Mexican drug cartel organizations, both under the prism of “transnational organized crime group” and regarding the “transnational organized crime activity” include all the factors required for the subject in the United Nations Convention against Transnational Organized Crime and the Protocols Thereto. These types of organized crime activities comprise the elements discussed in the “traditional” literature within this research field, such as corruption, force, violence, continuity, hierarchical structures across several countries, rules or codes of

discipline, extensive planning and private ends. However, there is a clear shift of paradigm in their operations to achieve their goals through terror tactics, also called “narcoterrorism”, which leads to a change in their classification to become “Hybrid organizations”. This shift of paradigm is reflected in the latest literature, which takes distance from the 'profit-economic-gain versus political-religious-ideology' dichotomy to a more flexible and advanced understanding of the criminal phenomenon, pointing out to the hybridity of such organizations.

This shift of paradigm drives the US authorities to concomitantly make a shift in their strategy to fight these organizations through the declaration of Foreign Terrorist Organizations. However, it remains very doubtful how a military action in the territory of another sovereign state can be assumed without consent from the concerned State (Mexico). Perhaps, the model of enhanced cooperation is a better choice and in the long run, there are other more diplomatic and friendly alternatives, such as a “Mexican-NATO partnership” that would benefit all parts. At the same time, this formalisation of increased cooperation will allow the development of joint and combined operations in the fight against drugs and also facilitate the effective dealing with such hybrid organizations at the international level.

**Future research directions**

Clearly, there is a need to develop a deeper and more thorough analysis of the overall framework of the proposed Mexican-NATO “partnership”. Furthermore, the SWOT (Strengths, Weaknesses, Opportunities and Threats) Matrix analysis presented above require a further study concerning several variables, including corruption, money laundry, current available equipment as well as that from the MDC, while implementing different strategies to protect the society. Simultaneously, it is recommended an analysis of the legal reforms deemed as necessary to proceed and implement such partnership.

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